IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 17TH DECEMBER, 2007 / 26TH AGRAHAYANA, 1929

OP.No. 27713 of 2000(Y)

PETITIONER:

KUNHI MUHAMMED, S/O.KAKKODI KUNHALI,
HOUSE NO.5/119, P.O.OZHUR, MALAPPURAM DT.

BY ADV. SRI.P.CHADRASEKHAR

RESPONDENTS:
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1. THE ADDITIONAL DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, MALAPPURAM.

2. THE DEPUTY TAHSILDAR(REVENUE RECOVERY), TIRUR.

3. THE VILLAGE OFFICER, OZHUR, MALAPPURAM DIST.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC
R2&3 BY GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NOS.46587&56164/2000 IN O.P. NO.27713/2000

DISMISSED:

17.12.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF AGREEMENT DT.16.12.96.

P2: .DO. DT.11.8.98.

P3: TRUE COPY OF NOTICE DT.14.8.98.

P4: TRUE COPY OF NOTICE DT.11.9.98 ISSUED BY R1.

P5: TRUE COPY OF LETTER DT.18.9.98 SUBMITTED BY THE PETITIONER.

P5(a): TRUE COPY OF POSTAL RECEIPT AND ACKNOWLEDGEMENT IN RESPECT OF EXT.P5.

P6: TRUE COPY OF NOTICE DT.11.1.99 TO THE PETITIONER.

P7: TRUE COPY OF LETTER DT.16.2.99 SUBMITTED BY PETITIONER.

P7(a): TRUE COPY OF POSTAL RECEIPT AND ACKNOWLEDGEMENT IN RESPECT OF EXT.P7.

P8: TRUE COPY OF DEMAND NOTICE DT.5.8.2000 OF R1.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.27713 of 2000

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Dated this the 17th day of December, 2007.

JUDGMENT

Since Standing Counsel for first respondent submitted that notice under challenge is only demand of advance contribution and final adjudication order will be issued only after hearing the petitioner, O.P. is disposed of directing the petitioner to appear before the Executive Officer and furnish his objections within three weeks from date of receipt of copy of this judgment. The first respondent is directed to furnish data gathered on enquiry to the petitioner, hear his objections and issue final adjudication order within three weeks thereafter. Revenue recovery proceedings will be kept in abeyance till final orders are issued and thereafter recovery will be based on final determination order issued as directed above.

C.N.RAMACHANDRAN NAIR
Judge

pms